

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

---

**TIMOTHY DURLEY,**

Plaintiff,

v.

**Case No. 22-CV-706**

**MEGAN LEBRAK, *et al.*,**

Defendants.

---

**ORDER**

---

On August 28, 2023, plaintiff Timothy Durley, who is incarcerated and representing himself, filed a motion for sanctions against defendant Dr. Cheryl Jeanpierre asserting that she lied in her declaration in support of her motion for summary judgment. (ECF No. 52.) Specifically, Durley states that Dr. Jeanpierre said she had been his treating physician since 2018, when in fact she started treating him in 2022. In response to Durley's motion, Dr. Jeanpierre acknowledged the error, explaining that it was a typo. (ECF No. 56.) Dr. Jeanpierre also asserts that the error did not materially affect Durley's case. Dr. Jeanpierre has filed an amended declaration fixing the error.

The court has reviewed the declaration and briefly reviewed the summary judgment materials. The focus of the case is Durley's medical treatment in 2022, and the error indicating that Dr. Jeanpierre has been Durley's physician since 2018 is immaterial to the case. There is no evidence that Dr. Jeanpierre intended to mislead

Durley or the court, hide information, or delay resolution of the case. As such, the error is not sanctionable. The court **DENIES** Durley's motion for sanctions. (ECF No. 52.)

Dated at Milwaukee, Wisconsin this 13th day of October, 2023.

BY THE COURT

A handwritten signature in black ink, reading "William E. Duffin", written over a horizontal line.

WILLIAM E. DUFFIN  
United States Magistrate Judge